

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
3 ARMILLA STALEY-NGOMO  
Assistant Federal Public Defender  
4 California State Bar No. 259686  
411 E. Bonneville, Ste. 250  
5 Las Vegas, Nevada 89101  
6 (702) 388-6577  
(702) 388-5819 (fax)  
7 Armilla\_Staley-Ngomo@fd.org

8 Attorney for Petitioner MICHAEL DEAN ADKISSON

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 MICHAEL DEAN ADKISSON,

12 Petitioner,

13 v.

14 D.W. NEVEN,

15 Respondents.

Case No. 2:14-cv-01934-APG-CWH

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE  
REPLY TO ANSWER**

**(Second Request)**

**ORDER**

17 Petitioner Michael Dean Adkisson, by and through his counsel of record,  
18 Assistant Federal Public Defender Armilla Staley-Ngomo, hereby moves this Court for  
19 an extension of time of ten (10) days, from June 27, 2017, to and including July 7, 2017,  
20 to file his Reply to Respondents' Answer. This motion is based upon the attached  
21 declaration of counsel and the files and records in this case.

22 DATED this 23rd day of June, 2017.

23 Respectfully submitted,  
24 RENE L. VALLADARES  
25 Federal Public Defender

26 /s/ Armilla Staley-Ngomo  
ARMILLA STALEY-NGOMO  
Assistant Federal Public Defender

1                                    **DECLARATION OF ARMILLA STALEY-NGOMO**

2    STATE OF NEVADA        )  
3                                    )        ss:  
4    COUNTY OF CLARK       )

5                    I, ARMILLA STALEY-NGOMO, hereby declare under penalty of perjury that  
6    the following is true and correct:

7                    1.        On August 25, 2015, Mr. Adkisson filed an Amended Petition and  
8    Supporting Exhibits in this matter. ECF 16-21. On August 27, 2015, Assistant  
9    Federal Public Defender Melanie Gavisk filed a Notice of Change of Attorney. ECF  
10   23. Ms. Gavisk had previously filed a Notice of Representation on July 2, 2015. ECF  
11   13.

12                   2.        On February 10, 2016, Mr. Adkisson filed his Second Amended  
13   Petition, Supporting Exhibits, and a Notice of Manual Filing. ECF 28-30. On May  
14   16, 2016, Respondents filed their Motion to Dismiss and Supporting Exhibits. ECF  
15   36-42. On August 1, 2016, Mr. Adkisson filed his Opposition to Respondents' Motion  
16   to Dismiss. ECF 45. On August 4, 2016, Respondents filed their Reply to the  
17   Opposition. ECF 46. On February 13, 2017, this Court issued an order denying  
18   Respondents' Motion to Dismiss. ECF No. 48. Respondents filed their Answer on  
19   March 29, 2017. ECF No. 49. Mr. Adkisson's Reply to Respondent's Answer is  
20   currently due on June 27, 2017.

21                   3.        Due to Ms. Gavisk's impending departure from my office, I (Armilla  
22   Staley-Ngomo) filed a Notice of Appearance in this matter on August 9, 2016. ECF  
23   47. However, I was on maternity leave from July 25, 2016 through October 26,  
24   2016, and was unable to work on this matter during that period of time. Because of  
25   reorganization in the Federal Public Defender's Office, I was newly assigned nearly  
26

1 twenty cases upon my return from maternity leave in October of 2016 which have  
2 required my attention.

3 4. More specifically, I was assigned several pre-petition habeas corpus  
4 matters, at least four of which had AEDPA time remaining on their claims. Four of  
5 those amended petitions were filed within the last month, along with two  
6 oppositions to motions to dismiss. The pre-petition matters also required me to  
7 schedule and attend numerous initial client visits at various Nevada state prisons  
8 over a condensed period of time, including at High Desert State Prison in Indian  
9 Springs; Northern Nevada Correctional Center in Carson City; Lovelock  
10 Correctional Center in Lovelock; and Ely State Prison in Ely. In addition, the client  
11 visits in Carson City, Ely and Lovelock necessitated a flight to and an overnight  
12 stay in Reno, as my offices are located in Las Vegas.

13 5. The Nevada Department of Corrections currently houses Mr. Adkisson  
14 at the Northern Nevada Correctional Center in Carson City. For the reasons stated  
15 above, I was unable to visit Mr. Adkisson in person until March 16, 2017. I also had  
16 previously scheduled visits with several clients at Ely State Prison, High Desert  
17 State Prison, and Lovelock Correctional Center that required my immediate  
18 attention after I met with Mr. Adkisson.

19 6. The requested extension of time is therefore necessary to effectively  
20 and thoroughly represent Mr. Adkisson. This is a complex habeas corpus matter  
21 involving a second degree murder conviction. I therefore need additional time to  
22 review the voluminous files and records in this case related to Mr. Adkisson's  
23 extensive trial, post-conviction, and appellate court proceedings—which span over a  
24 period of twelve years. Mr. Adkisson's federal habeas record also includes a second  
25 amended petition that is 48 pages in length, including 148 supporting exhibits  
26 totaling more than 2,650 pages in length, and an answer that is 64 pages in length.

1           7.       For the reasons stated above, as well as the files and records in this  
2 case, I ask this Court to grant my request for an extension of time of ten (10) days  
3 and order the Reply to Respondents' Answer to be filed on or before July 7, 2017.  
4 This motion is not filed for the purposes of delay but in the interests of justice, as  
5 well as in the interests of Mr. Adkisson. This is counsel's second request for an  
6 extension for this pleading.

7           8.       On June 19, 2017, Deputy Attorney General Matthew S. Johnson  
8 indicated that he had no objection to this request.


9           I declare under the penalty of perjury that the foregoing is true and correct.

10                   Dated this 23rd day of June, 2017.

11  
12                                   Respectfully submitted,  
13                                   RENE L. VALLADARES  
14                                   Federal Public Defender

15                                   /s/ Armilla Staley-Ngomo  
16                                   ARMILLA STALEY-NGOMO  
17                                   Assistant Federal Public Defender

18                                   IT IS SO ORDERED:

19  
20                                     
21                                   United States District Judge

22                                   Dated: 6/23/2017  
23  
24  
25  
26